

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

NOTICE OF PUBLIC HEARING

D.T.E. 03-95

KEYSPAN ENERGY DELIVERY NEW ENGLAND

Petition of Boston Gas Company d/b/a KeySpan Energy Delivery New England, pursuant to G.L. c. 164, § 75B, to qualify to do business within the Commonwealth of Massachusetts as a natural gas pipeline company, and, pursuant to G.L. c. 164, § 75C, for approval of eminent domain authority for the taking of an easement on certain property in the City of Chelsea for a proposed 2,000 foot long natural gas pipeline to be constructed in the Cities of Boston and Chelsea, Massachusetts.

The Petitioner, KeySpan Energy Delivery New England (“KeySpan”) has petitioned the Department to authorize KeySpan to take by eminent domain, under G.L. c. 79, an easement on certain property in Chelsea along the route of the proposed natural gas pipeline (“Gas Pipeline”) pursuant to G.L. c. 164, § 75C. As a necessary preliminary to the request, KeySpan also has petitioned the Department of Telecommunications and Energy (“Department”) for a determination that it is qualified to do business within the Commonwealth of Massachusetts as a natural gas pipeline company, pursuant to G.L. c. 164, § 75B.

The Department will review KeySpan’s petition to determine whether the proposed construction and use of the Gas Pipeline is necessary for the purpose alleged, will serve the public convenience, and is consistent with the public interest pursuant to G.L. c. 164, § 75B. The Department also will determine whether to authorize KeySpan to take by eminent domain property located at 270 Central Avenue (Suffolk County Registry of Deeds Certificate of Title No. 106187, Book 526, Page 187) to effect the construction of the Gas Pipeline.

KeySpan intends to abandon an existing 24-inch gas pipeline and construct the replacement Gas Pipeline at a different depth. The existing gas pipeline, which crosses under the Chelsea River from Chelsea to East Boston, was installed beneath the Chelsea River in 1965 pursuant to a permit from the United States Army Corps of Engineers (“Army Corps”). The Army Corps has informed KeySpan that the existing pipeline is obstructing a dredging project (Boston Harbor Navigational Improvement Project) being undertaken by Massport and the Army Corps to deepen the Chelsea River. Because the existing pipeline is the sole feed for approximately 12,500 customers in East Boston, including Logan Airport, a replacement pipeline must be constructed prior to the removal of the existing pipeline.

The Gas Pipeline is approximately 2,000 feet long, beginning in East Boston, crossing the Chelsea River, and ending in the City of Chelsea. KeySpan proposes to install the Gas Pipeline by means of horizontal directional drilling.

The Department will conduct a public hearing on this petition at the Chelsea High School, 299 Everett Avenue, Chelsea, Massachusetts at 7:00 p.m. on Thursday, November 13, 2003, to receive public comment and respond to questions about KeySpan's request for declaration that it is qualified to do business in the Commonwealth of Massachusetts as a natural gas pipeline company and request for eminent domain authority.

Any person who desires to submit written comments may do so by filing an original and 5 copies of such comments no later than the close of business (5:00 p.m.), Thursday, November 13, 2003 with: Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, 2nd Floor, Boston, Massachusetts 02110. A copy of such comments also must be filed with regulatory counsel for the Petitioner, Thomas P. O'Neill, Senior Counsel, KeySpan Energy Delivery New England, 52 Second Avenue, Waltham, Massachusetts 02451.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition to intervene or to participate in the proceeding with: Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, 2nd Floor, Boston, Massachusetts 02110 no later than the close of business (5:00 p.m.) November 20, 2003. A petition to intervene must satisfy the timing and substantive requirements of 220 C.M.R., § 1.03. Receipt by the Department - not mailing or postmark - constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver pursuant to 220 C.M.R., § 1.01(4). To be allowed, a petition filed pursuant to 220 C.M.R., § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

Petitions to intervene also should be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us; or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 03-95); (2) name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. Text responses should be written in either WordPerfect (naming the document with a ".wpd" suffix), in Microsoft Word (naming the document with an ".doc" suffix), or as an Adobe PDF file (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All written pleadings or comments submitted in electronic format will be posted on the Department's Website, <http://www.mass.gov/dpu>. A petition to intervene also should be filed with regulatory counsel for the Petitioner, Thomas P. O'Neill, Senior Counsel, KeySpan Energy Delivery New England, 52 Second Avenue, Waltham, Massachusetts 02451.

The Petitioner, KeySpan, is ordered to give notice of said public hearing by publication of this notice twice hereof, once at least fourteen (14) days, and once at least seven (7) days prior to the date of said hearing in the Boston Globe, or Boston Herald, and Chelsea Record and to post such notice in a conspicuous place in the Chelsea City Hall for a period not less than fourteen (14) days before, and continuing through, the date of such hearing. In addition, the Petitioner is ordered to serve a copy of this notice by first class mail, at least fourteen (14) days prior to the date of such hearing on: the President of the City Council, the City Manager, and Chairpersons of the Planning Board and the Zoning Board of Appeals of the City of Chelsea, and the City Clerk of Chelsea, and on all persons owning real estate abutting 270 Central Avenue (Suffolk County Registry of Deeds Certificate of Title No. 106187, Book 526, Page 187), owners of land directly opposite on any public or private street or way, and abutters to abutters within three hundred (300) feet of 270 Central Avenue (Suffolk County Registry of Deeds Certificate of Title No. 106187, Book 526, Page 187) as they appear on the most recent applicable tax list.

A copy of KeySpan's filing is available for public inspection during normal business hours (9:00 a.m. - 5:00 p.m.) at the offices of the Department, One South Station, 2nd Floor, Boston, Massachusetts. A copy of KeySpan's filing will also be available for public inspection at the Chelsea City Hall and Chelsea Public Library, no later than 14 days prior to the date of the public hearing, and to make return of service and publication at time of the hearing.

By Order of the Department

Mary L. Cottrell, Secretary

Dated: